

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES RUSSO,

Plaintiff,

- against -

MP222 LLC, 222 EAST 95th STREET
OWNERS CORP., COMMISSIONER OF SOCIAL
SERVICES OF THE CITY OF NEW YORK, NEW
YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, NEW YORK CITY DEPARTMENT
OF FINANCE, MERRILL LYNCH CREDIT
CORPORATION and the INTERNAL REVENUE
SERVICE OF THE UNITED STATES OF AMERICA,

Defendants.

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UNITED STATES OF AMERICA,

Counterclaim, Crossclaim
and Third-Party Plaintiff,

- against -

JAMES RUSSO,

Counterclaim Defendant.

-and-

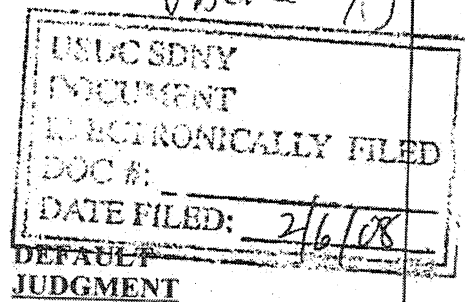
MP222 LLC, 222 EAST 95th STREET
OWNERS CORP., COMMISSIONER OF SOCIAL
SERVICES OF THE CITY OF NEW YORK, NEW
YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, NEW YORK CITY DEPARTMENT
OF FINANCE, MERRILL LYNCH CREDIT
CORPORATION,

Crossclaim Defendants,

and

JAMES A. RUSSO, JOHN DOES NOS. 1-10 and
JANE DOES NOS. 1-10,

Third-Party Defendants.
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: 07 Civ. 5469 (WHP)

This action having been commenced on May 17, 2007, with the filing of a Summons and Complaint and Order to Show Cause with the Clerk of the Court, New York County, Supreme Court of the State of New York, bearing Index No. 601661/2007, and service having been made on Defendant New York State Department of Taxation and Finance (hereinafter referred to as "NYS"); and,

Pursuant to a Notification of Removal dated June 8, 2007, this case was removed in its entirety to this Court (hereinafter referred to as "NYS"); and,

J. Michael McMahon, Clerk of the United States District Court for the Southern District of New York, having certified that the docket entries indicate that Defendant New York State Department of Taxation and Finance has not filed an answer or otherwise moved with respect to the Complaint herein and that the default of Defendant New York State Department of Taxation and Finance is hereby noted;

Now, upon motion of Richard C. Agins, Esq. for Agins, Siegel, Reiner & Bouklas, LLP, attorneys for Plaintiff:

IT IS ORDERED AND ADJUDGED that Plaintiff have judgment:

a) Defendant NYS filed a Judgment with the County Clerk of New York County, entered in Richmond County, docketed on July 20, 2006, effective April 19, 2004, in the amount of \$485,396.11 (Tax Warrant ID No. E-333907465-W001-2), against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said Judgment is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

b) Defendant NYS filed a Judgment with the County Clerk of New York County, entered in Richmond County, docketed on July 20, 2006, effective April 19, 2004, in the amount of \$21,326.26 (Tax Warrant ID No. E-333907465-W002-6), against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore,

said Judgment is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

c) Defendant NYS filed a New York State Tax Warrant (Tax Warrant ID No. E-333907465-W010-3) with the County Clerk of New York County, docketed on September 7, 2005, effective as of August 29, 2005, in the amount of \$52,108.77, against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said New York State Tax Warrant is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

d) Defendant NYS filed a Judgment with the County Clerk of New York County, entered in Richmond County docketed on July 20, 2006, effective October 25, 2004, in the amount of \$10,627.44 (Tax Warrant ID No. E-333907465-W004-5), against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said Judgment is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

e) Defendant NYS filed a Judgment with the County Clerk of New York County, entered in Richmond County docketed on July 20, 2006, effective March 2, 2005, in the amount of \$64,230.15 (Tax Warrant ID No. E-333907465-W009-7), against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said Judgment is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

f) Defendant NYS filed a State Tax Warrant (Tax Warrant ID No. E-333907465-W029-8), with the New York State Department of State, docketed and filed on June 26, 2007, entered in Queens County, in the amount of \$150.00 against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said State Tax Warrant is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

g) Defendant NYS filed a Judgment with the County Clerk of New York County, entered in Richmond County docketed on July 20, 2006, effective January 6, 2006, in the amount of \$6,015.93 (Tax Warrant ID No. E-333907465-W011-7), against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said Judgment is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

h) Defendant NYS filed a State Tax Warrant (Tax Warrant ID No. E-333907465-

W022-7), with the New York State Department of State, docketed and filed on November 14, 2007, entered in Richmond County, in the amount of \$63,686.69 against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said State Tax Warrant is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

i) Defendant NYS filed a State Tax Warrant (Tax Warrant ID No. E-333907465-W028-4), with the New York State Department of State, docketed and filed on April 24, 2007, entered in Queens County, in the amount of \$29,755.74 against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said State Tax Warrant is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

j) That Defendant NYS filed a Judgment with the County Clerk of New York County, entered in Richmond County, docketed on July 20, 2006, effective October 25, 2004, in the amount of \$119,424.62, against a James Russo, with the last four digits of his Social Security Number being 4259, who is not the Plaintiff in this action. The last four digits of Plaintiff's Social Security Number being 7467. Therefore, said Judgment is not a lien on cooperative apartment Units herein: #1, 2, 3 or 4 at 222 East 95th Street, New York, New York.

Dated at New York, New York

January 4, 2008

February

William H. Pauley III
U.S.D.J.

William H. Pauley III

This Document was entered on the docket on: